

GOVERNMENT OF ANDHRA PRADESH

**ABSTRACT**

Minor Irrigation - Medak District – Permission for payment of Rs.1,36,398/- for depositing decretal amount in SA No.687/2007 on the file of Senior Civil Judge, Medak - Orders – Issued.

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IRRIGATION AND COMMAND AREA DEVELOPMENT (MINOR.IRR.II) DEPARTMENT

G O Rt.No. 1033

Dated :20.6.2009.

Read the following:-

1. From the Chief Engineer, Minor Irrigation, Hyderabad letter No.DCE-II/OT1/SO3.C/Court Case / O.S.No.55/02/2007-08, Dated 11.9.2007.
2. GO Rt.No.216, I&CAD (Minor Irrigation.II) Department, Dated 19.2.2008.
3. From the Chief Engineer, Minor Irrigation, Hyderabad Lr.No.DCE-II/OT1/SO3.C/Court Case/O.S.No.55 OF 2002-08, Dated 30.8.2008.
4. From the Chief Engineer, Minor Irrigation, Hyderabad Lr.No.DCE-II/OT1/SO3.C/Court Case/O.S.No.55 OF 2002-09, Dated 4.2.2009.

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**ORDER:-**

The Chief Engineer, Minor Irrigation, Hyderabad in his letter 1<sup>st</sup> read above, has stated that the work of Devathala Cheruvu, Yeldurthy (Village & Mandal) was taken up under A.P.E.R.P. Programme (i.e. for minimum rehabilitation) during the year 2001 and the work was administratively approved for Rs.12,93,876/- vide G.O.Ms.No.35, I&CAD Dept., Dt.29.2.2000. The work was entrusted to the WUA President, Devathala Cheruvu, Yeldurthy (V) & (M), with an object to create work to the maximum number of people, the work should be done manually only, and not by using any machinery. However, the W.U.A. president has executed the earth work raising bund by using machinery and not employed labour. The department has paid only machinery rate duly keeping evidences of Photographs etc., as against the rate provided in the agreement for the work of raising bund by manual labour. Aggrieved by this, the W.U.A. President filed a suit in the Hon'ble Court of Junior Civil Judge, Medak in O.S.No.55/2002, for payment of earth work raising bund with manual labour as per the agreement but not with the machinery rate and the Hon'ble learned Junior Civil Judge pronounced the Judgment on 23.09.2004 against the Department. It was appealed in the Senior Civil Judge, Medak in O.S.No.8/2006 and the same was dismissed on 07.03.2007. It was further appealed in the Hon'ble High Court vide Appeal No.687 of 2007 and the Hon'ble High Court has granted conditional stay of the appellants depositing half of the decretal amount (i.e.Rs.59,412/-) within a period of six weeks from 06.07.2007 and accordingly, the said amount was sanctioned vide GO 2<sup>nd</sup> read above.

2. The Chief Engineer, Minor Irrigation in his letter 2<sup>nd</sup> read above, has stated that the Government Pleader for I&CAD in A.P. High Court has opined that once the second appeal is dismissed, interim orders do not subsist and therefore, now the entire amount has to be paid to the plaintiff as per the judgment and Decree of the S.A.No.687/2007 dated 5.10.2007.

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3. The Chief Engineer, Minor Irrigation has therefore, requested the Government for permission to make payment for an amount of 1,36,398/- towards decretal amount to deposit in the A.P. High Court as per the court order in S.A.No.687/2007.

4. Government after careful consideration, hereby accord permission to the Chief Engineer, Minor Irrigation, Hyderabad for payment of Rs.1,36,398/- (Rupees one lakh thirty six thousand three hundred and ninety eight only) as detailed below:

Description	Amount in Rupees
Amount of cost awarded	95,000
Cost of the suit	6,473
Interest from 4.9.2002 to 3.9.2005 @ 6% P.A.	14,250
Cost of the E.P. & Advocate Fee	3,100
Further interest from 4.9.2005 to 3.7.2008 @ 6% P.A.	16,150
Interest from 4.7.2008 to 3.10.2008	1,425
<b>Total</b>	<b>1,36,398</b>

5. This order issues with the concurrence of Finance (Exp.PW.1) Dept. vide their U.O.No.9546/389/Exp.PW.I/2009, Dated 31.3.2009.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.P.TUCKER  
PRINCIPAL SECRETARY TO GOVERNMENT

To  
The Chief Engineer, Minor Irrigation, Hyderabad.  
The District Collector, Medak at Sangareddy.  
Copy to:-  
The Superintending Engineer, Irrigation Circle, Nizamabad.  
The Accountant General, A.P., Hyderabad.  
The Director, Works Accounts, M.J.Road, Hyderabad.  
The Finance (Exp.PW.1) Department.  
SF/SC.

//FORWARDED:: BY ORDER//

SECTION OFFICER